



**U.S. Department of Justice**  
Civil Division, Federal Programs Branch  
1100 L St. NW  
Washington, DC 20530

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**By ECF**

October 14, 2020

The Honorable Alvin K. Hellerstein  
United States District Judge  
Southern District of New York  
Daniel Patrick Moynihan  
United States Courthouse  
500 Pearl Street  
New York, NY 10007

Re: *State of New York, et al. v. U.S. Dep't of Health and Human Servs.*, No. 20-cv-05583 (AKH)

Dear Judge Hellerstein:

Defendants write to request a 21-day extension of the current deadline to produce the administrative record in this case. The current deadline for filing the administrative record is October 16, 2020, set by this Court's Order of September 22, 2020. Defendants have been working diligently to compile and finalize the administrative record, but the task is enormous and Defendants therefore requests additional time.

Specifically, Defendants request that the existing deadlines set in this Court's September 22 Order be extended by 21 days as follows:

- Defendants produce the administrative record on or before November 6, 2020. The current deadline is October 16, 2020.
- Plaintiffs shall have until November 16, 2020 to comment or otherwise object as to the adequacy, accuracy, or comprehensiveness of the administrative record. The current deadline is October 26, 2020.
- Defendants further propose that the status conference currently set for October 29, 2020, at 11:00 a.m. be re-scheduled to November 19, 2020, at 11 a.m., or at any other time convenient for the Court.

Defendants respectfully submit that there is good cause for the extension. The administrative record is enormous—currently estimated at two million pages, possibly more—and some of the individuals involved in preparing, collecting, and reviewing materials have been actively involved in time-sensitive matters regarding the COVID-19 crisis that have consumed much of their attention. Defendants' counsel contacted Plaintiffs' counsel earlier today to seek their position on the requested extension. Plaintiffs advised that they would not be able to take a position by close of business but stated that they expected to advise the Court of their position by tomorrow.

This is Defendants' first request for an extension of these deadlines.

Respectfully submitted,

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/s/ Stephen Ehrlich  
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CC: All Counsel of Record (by ECF)